United Nations A/C.6/59/SR.7

General Assembly
Fifty-ninth session

Official Records

Distr.: General
10 November 2004

Original: English

Sixth Committee

Summary record of the 7th meeting
Held at Headquarters, New York, on Monday, 18 October 2004, at 10 a.m.

Chairman: Mr. Bennouna ..... (Morocco)
later: Mr. Dhakal (Vice-Chairman) ..... (Nepal)

Contents

Organization of work (*continued*)

Agenda item 148: Measures to eliminate international terrorism

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

04-55854 (E)

The meeting was called to order at 10.20 a.m.

Organization of work (*continued*)

1. **The Chairman** informed the Committee that the General Assembly had decided to allocate an additional item to the Committee's agenda, namely item 160, entitled "Observer status for the Organization of Eastern Caribbean States in the General Assembly".

Agenda item 148: Measures to eliminate international terrorism (A/59/37 and 210 and Corr.1; A/C.6/59/L.10)

2. **The Chairman** recalled that paragraph 5 of Security Council resolution 1566 (2004) called upon Member States "to cooperate fully on an expedited basis in resolving all outstanding issues with a view to adopting by consensus the draft comprehensive convention on international terrorism and the draft international convention for the suppression of acts of nuclear terrorism". The importance of consensus in the elaboration of the two draft conventions was paramount, in his view. He invited the Chairman of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 and of the Working Group on Measures to Eliminate International Terrorism to introduce the reports of those bodies.

3. **Mr. Perera** (Chairman of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 and of the Working Group on Measures to Eliminate International Terrorism) said that the report of the Ad Hoc Committee (A/59/37) consisted of three chapters — the introduction, a description of the proceedings and the Committee's recommendations — and three annexes. Annex I contained an informal summary of the general discussion; annex II reproduced the oral reports by the coordinators on the results of informal consultations on the draft comprehensive convention and the draft nuclear terrorism convention; and annex III contained written amendments and proposals submitted at the eighth session of the Ad Hoc Committee relating to the draft nuclear terrorism convention.

4. The Working Group's report (A/C.6/59/L.10) consisted of three sections and an annex. He noted that, section III contained the Working Group's decision to refer its report to the Sixth Committee and its recommendation that work should continue on finalizing the text of a draft comprehensive convention on international terrorism and a draft international convention for the suppression of acts of nuclear terrorism, building on the work already accomplished.

5. Several delegations had informed him that consultations on the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response to terrorism in all its forms and manifestations were continuing and had reiterated their wish that the item should be kept on the agenda. As to Security Council resolution 1566 (2004), informal consultations had demonstrated that, while divergences in approach remained on the key outstanding issues, there was a clear realization that work on the draft conventions should be finalized. The coordinator for the comprehensive convention had referred, in his oral report, to the renewed interest of delegations in exploring alternative approaches, while the coordinator for the nuclear terrorism convention had reported that several delegations found the text reproduced in annex III to the report of the Ad Hoc Committee acceptable, although others had expressed concern about article 4, paragraphs 2 and 3. Delegations must remain engaged so that the substantive work accomplished could be brought to fruition. The Sixth Committee had a clear responsibility to make its due contribution towards strengthening the international legal framework for combating international terrorism. Given the requisite political will and a spirit of flexibility, the remaining differences could be reconciled.

6. **Mr. Suarte** (Brazil) speaking also on behalf of Argentina, Bolivia, Colombia, Costa Rica, Chile, the Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Panama, Paraguay and Uruguay, said that the information contained in the Secretary-General's report on measures to eliminate international terrorism (A/59/210 and Corr.1) was helpful in describing measures adopted by some States and international organizations to combat international terrorism, for which concerted action must be taken to strengthen national and international mechanisms. Progress had been made with the establishment of the Sanctions Committee on Sanctions against the Taliban and Al-Qaida pursuant to Security Council resolution 1267 (1999), the Counter-Terrorism Committee established pursuant to Security Council resolution 1373 (2001), and the Committee established pursuant to Security

Council resolution 1540 (2004). The Working Group recently established pursuant to Security Council resolution 1566 (2004) would need to propose new approaches to the struggle against terrorism while at the same time observing human rights standards, refugee law and humanitarian law.

7. General Assembly resolution 51/210 had established the Ad Hoc Committee with a view to elaborating two draft conventions. It was a matter of concern that the political will was lacking to make substantive progress on either. The mere possibility that terrorists could gain access to nuclear weapons undoubtedly constituted one of the most serious dangers facing every country in the world. No opportunity should be missed to reach agreement on the draft nuclear terrorism convention as soon as possible. Efforts should also be redoubled with regard to the draft comprehensive convention. The coordinators should therefore continue to undertake consultations during the intersessional period with a view to finding constructive solutions to the few outstanding issues.

8. Speaking on behalf of his own delegation, he said that Brazil had ratified nine of the interlocking international conventions on judicial cooperation and looked forward to shortly acceding to the remaining instruments, which were currently under consideration by Congress. The country's domestic legislation was also under review in order to enhance Brazil's contribution to the global struggle. The Government had already submitted four reports to the Counter-Terrorism Committee. The international community should redouble its efforts to reach an early conclusion to the negotiations on a comprehensive counter-terrorism convention, which would help it to come to grips with a diffuse phenomenon that still eluded a generally agreed definition. Moreover, the adoption of such a convention would send a powerful message indicating the international community's determination to deal with the threat. His delegation supported the proposal that, once the draft convention was completed, an international conference should be convened to underscore the international commitment to developing coordinated and comprehensive anti-terrorist strategies.

9. Despite the urgency of dealing decisively with international terrorism, a heightened sense of vulnerability should not lead to a loss of fundamental rights and principles or prejudice other, equally urgent battles. The fight against terrorism was self-defeating if waged outside international human rights norms or in a manner incompatible with the Charter of the United Nations. The changes wrought by the increase in terrorist attacks must not blind the world to the daily drama of those carrying the burden of social and economic inequalities. The solidarity with which terrorism was being combated must also be deployed in finding long-lasting solutions to the issues closely identified with the root causes of terrorism, such as despair and frustration. Terrorism would fail when global stability, based on prosperity, peace and a culture of human rights and tolerance for all, was established. The United Nations was uniquely placed to meet the challenge of establishing such stability.

10. **Mr. Hamburger** (Netherlands) speaking on behalf of the European Union, the candidate countries Bulgaria, Croatia, Romania and Turkey, the stabilization and association process countries Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, and the EFTA countries Iceland and Norway, members of the European Economic Area, said that those countries unequivocally condemned all terrorist acts, regardless of their motivation, form or manifestation. While reaffirming its commitment to combating terrorism, however, the Union underscored the need for enhancing dialogue and broadening understanding among civilizations. Terrorism should not be identified with particular cultures or religions. Terrorists must be deprived of the ground for propaganda and recruitment, but the fight against terrorism must be carried out with full respect for democratic principles, the rule of law, human rights and, where applicable, international humanitarian law. The European Union was fully committed to the implementation of Security Council resolution 1373 (2001) and other Security Council resolutions relating to counter-terrorism. It also attached great value to the comprehensive legal framework established in the field of counter-terrorism by the General Assembly. The 12 United Nations conventions and protocols remained fundamental tools in the fight against terrorism and the Union urged all States that had not yet done so to become parties to those instruments.

11. On the recommendation of the Ad Hoc Committee established pursuant to General Assembly resolution 51/210, the Working Group on Measures to Eliminate International Terrorism had been established;

and the Union stood ready to continue deliberations in the framework of an ad hoc committee of the Sixth Committee. As for the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response by the international community to terrorism in all its forms and manifestations, the European Union considered that discussion on the issue could best take place after the conclusion of the work on the comprehensive convention.

12. With regard to the draft comprehensive convention, the European Union continued to hold the view that such a convention would provide added value to existing anti-terrorist conventions by regulating issues that were so far unregulated. It should be possible to achieve consensus on the outstanding issues, while preserving the "acquis" of the existing conventions and of the negotiations to date on the comprehensive convention. The sectoral approach to the negotiation and conclusion of such conventions was sensible and successful. The European Union would therefore continue to strive for the early adoption by consensus of the draft nuclear terrorism convention. The need for such a convention remained urgent, especially in view of the implications if certain terrorist groups gained access to weapons of mass destruction. The European Union looked forward to the speedy conclusion of the elaboration of the draft convention.

13. Regional and subregional organizations played a critical role in enhancing the effectiveness of global action against terrorism. The European Union Action Plan on Terrorism, adopted by the European Council in March 2004, committed the European Union to developing technical assistance strategies to enhance the counter-terrorist capacities of third countries. Furthermore, the European Union counter-terrorism coordinator appointed pursuant to the Action Plan had started to facilitate greater coordination between the various European Union counter-terrorism initiatives, policies and activities.

14. **Mr. Le Luong Minh** (Viet Nam), speaking also on behalf of the member States of the Association of Southeast Asian Nations (ASEAN), said that terrorist attacks around the world constituted a serious threat to all peoples and countries. Terrorism was contemptible irrespective of its origins, motivation or objectives. The fight against it could be won only through comprehensive, balanced measures conforming in full with the purposes and principles of the United Nations Charter and with international law. It was essential to address the root causes of terrorism while at the same time rejecting any attempt to associate it with any religion, race, nationality or ethnic group. The United Nations was playing a leading role in the battle against terrorism and it was to be hoped that the draft comprehensive convention on international terrorism and the draft international convention for the suppression of acts of nuclear terrorism would be adopted in the near future in order to strengthen the legal framework already provided by the 12 existing international conventions and protocols on the prevention and suppression of international terrorism.

15. The ASEAN member States were striving to implement Security Council resolution 1373 (2001), which had marked a milestone in the fight against terrorism, and were appreciative of the work done by the Counter-Terrorism Committee. Since they were committed to active participation in the global struggle against terrorism, they attached great importance to building and consolidating regional coordination and cooperation. For that purpose a work programme to prevent and combat transnational crime had been put in place and ASEAN had established cooperation at the ministerial and senior official levels with China, Japan and the Republic of Korea to fight that kind of crime. In addition, ASEAN had issued joint declarations on cooperation to combat international terrorism with the United States of America, China, the European Union, India, Australia and the Russian Federation and a Memorandum of Understanding on Cooperation in the Field of Non-Traditional Security Issues had been signed with China. The Regional Ministerial Meeting on Counter-Terrorism and the Intersessional Meeting on Counter-Terrorism and Transnational Crime had likewise led to further cooperation and collaborative action in that field. Lastly, ASEAN had intensified cooperation with the United Nations agencies and other regional organizations in measures to resist transnational crime and terrorism by examining links between international terrorism and other criminal activities. ASEAN member States were thus resolved to make a worthy contribution to the common fight against international terrorism.

16. **Mr. Mishra** (India) said that the agenda item under consideration had acquired added importance owing to the cruelty and scale of terrorist attacks on soft targets. His country had been in the forefront of

the war on terrorism for almost two decades, was a party to all 12 sectoral conventions on the subject and had presented a draft comprehensive convention on international terrorism which was under consideration by the Ad Hoc Committee. Terrorism was the common enemy of all peoples, beliefs and religions; it undermined the very foundations of freedom and democracy and constituted a global threat. For that reason, there could be no compromise in the worldwide battle against it, since it attacked all sectors of society and, as terrorists' safe havens had been targeted, they had spread their networks across the world and appeared to cooperate more effectively than the democratic nations in their sights.

17. In order to avoid selective approaches, it was essential to ensure that standard-setting processes involved all States Members of the Organization. The 1994 Declaration on Measures to Eliminate International Terrorism had set the tone of the general approach against terrorism which had influenced all subsequent legal instruments adopted by the General Assembly in that field, including the sectoral conventions on terrorism, and it was testimony to a non-selective approach. His Government also fully supported Security Council resolution 1566 (2004), which was another important text because it called on Member States to cooperate fully in the fight against terrorism on the basis of the principle of extradition or prosecution and to resolve all outstanding issues with a view to adopting the draft comprehensive convention and the draft nuclear terrorism convention. The renewed interest shown by delegations in considering fresh proposals regarding those draft conventions was therefore encouraging. The draft nuclear terrorism convention seemed to be ready for adoption as it stood, but the Working Group of the Sixth Committee must pursue its deliberations in order to clear up the outstanding issues impeding the completion of the draft comprehensive convention.

18. **Ms. Ahn** Eun-ju (Republic of Korea) said that her Government had consistently condemned all terrorist acts. The Republic of Korea was a State party to the 12 conventions on international terrorism and was faithfully implementing all their provisions. In that connection, her Government welcomed the recent adoption by the Security Council of resolution 1566 (2004).

19. The Republic of Korea supported the early adoption of the draft comprehensive convention on international terrorism, as a measure to complement the existing 12 conventions. With regard to article 18, her Government supported the Coordinator's text, because the concerns that the proposal of the Organization of the Islamic Conference sought to address were already dealt with variously by the four Geneva Conventions of 1949 and/or the Additional Protocols thereto. Combatants forfeited their civilian status and were not protected under the Protocols. However, their participation in hostilities did not automatically transform them into terrorists and they were still protected under international humanitarian law. Nevertheless, those who committed terrorist acts during armed conflicts should not be left outside the scope of the comprehensive convention, given the lack of any relevant regime under international humanitarian law or existing counter-terrorism conventions. In general terms the comprehensive convention, designed to fill in the gaps left by existing counter-terrorism instruments, should follow such instruments as closely as possible.

20. Her delegation had noted a substantial willingness on the part of States to make progress during consultations on the draft international convention for the suppression of acts of nuclear terrorism. She stressed that her delegation would prefer that the language of the draft convention conform to the language of other sectoral conventions.

21. The early adoption of both draft conventions would demonstrate the international community's unequivocal commitment to condemn, effectively prevent, combat and eradicate terrorism throughout the world.

22. **Mr. Alimov** (Tajikistan) said that international terrorism was a historic global challenge threatening the civilized development of human society. In order to combat that scourge, a whole range of what had hitherto been regarded as unrelated issues had to be tackled as a nexus. For a number of years his country and its neighbours had acted as a buffer against the spread of the cancer of terrorism from Afghanistan. In practice it would be impossible to curb terrorism without a united effort by all States. That effort should be based on a single strategy not admitting of double standards. Hence Tajikistan had become an active member of the anti-terrorism coalition and of bilateral and regional structures grappling with terrorism and it was a party to all 12 global instruments on combating terrorism, as required by Security Council resolution

1373 (2001). It therefore supported the Counter-Terrorism Committee, which ought to be strengthened so that it could provide more effective technical assistance to States.

23. The sense of insecurity throughout the world, which was already aggravated by barbaric forms of violence and the proliferation of extremely destructive modern weapons, was being exacerbated still further by the ominous possibility of a combined threat of nuclear weapons and terrorism. The United Nations played a key role in formulating a global strategy to contend with such challenges and in providing a strong international legal basis for such action. The adoption during the current session of the draft international convention for the suppression of acts of nuclear terrorism would testify to the unity of the anti-terrorism coalition. At the same time an effort should be made to complete work on the draft comprehensive convention on international terrorism. It had long been clear that the obstacles in its path were of a political rather than a legal nature but despite political, interconfessional and psychological strains, the peoples of the world were entitled to expect that the international community would respond to the growth of transboundary violence in a spirit of solidarity.

24. **Ms. Tuğral** (Turkey), speaking on behalf of the Organization of the Islamic Conference (OIC), said that the OIC group of States strongly condemned all acts of terrorism and were convinced that terrorism, irrespective of motivation, could never be justified. Terrorism required a coordinated response from the international community, led by the United Nations, with the General Assembly playing an essential role. OIC members were prepared to explore new ideas and proposals to overcome the remaining differences and finalize the draft comprehensive convention on international terrorism as quickly as possible. A comprehensive convention required a clear and universally agreed definition of terrorism, one which differentiated it from the struggle of peoples for self-determination against foreign occupation in accordance with the Charter of the United Nations. Moreover, although terrorism should not be tolerated under any pretext, the international community had a moral duty to address the legitimate grievances caused by despair, resentment, ignorance and poverty that created a breeding ground for terrorism. The OIC group of States also strongly supported efforts to finalize the draft international convention for the suppression of acts of nuclear terrorism. They believed that the convening of a conference on terrorism under the auspices of the United Nations would galvanize collective international efforts to create the necessary legal framework.

25. **Mr. Tidjani** (Cameroon) said that for mankind, already threatened by conflict and hunger, terrorism had added a new dimension of fear. Despair, discord, hate, intolerance and violence spread daily, as the recent murderous terrorist attacks in Egypt and the hostage-taking in Beslan in the Russian Federation had shown. Terrorism generated paranoia, threatened collective security and undermined the normal functioning of society. No State was unaffected, and all, as States Members of the Organization founded to free human beings from fear, must act in a coordinated and concerted fashion to fulfil their responsibilities.

26. The first responsibility was to arrive at a definition of terrorism acceptable to and accepted by everyone. It was no easy matter, because where some saw terrorists, others saw freedom-fighters. Flexibility, a spirit of compromise and political commitment were required to accomplish the urgent task, in order to prevent violations of human rights under the pretext of combating terrorism. The next task was to create a comprehensive legal framework for the suppression of terrorism and fill in the gaps left by the sectoral conventions. It seemed that the work was not far from being completed, since most of the remaining differences related to article 18 of the draft comprehensive convention and concerned the decision whether to include or exclude the activities of military forces from the scope of application of the convention.

27. With regard to the draft convention for the suppression of acts of nuclear terrorism, his delegation believed that the threat of nuclear terrorism could be addressed most effectively by eliminating or more tightly controlling all nuclear weapons. Nevertheless, the adoption of the draft convention would be a step forward. Meanwhile, all Member States had the responsibility to ratify and implement the existing arsenal of legal instruments designed to combat terrorism. In that regard, it was important to reduce the technological gap among States in their capacity to combat terrorism, so that terrorists could no longer exploit it to escape detection.

28. It was also the responsibility of Member States, individually and collectively, to reject the controversial theory of the "clash of civilizations". Failure to respect

the values and beliefs of others fed hatred. By its very nature terrorism could not be equated with a religion, a civilization or a culture. Efforts were needed to promote intercultural understanding and cooperation among peoples. Lastly, Member States had a responsibility to look closely at the underlying causes of terrorism, such as poverty and social inequality. The best long-term strategy for overcoming terrorism was to promote democracy and social equality through the right to development.

29. His delegation supported the convening of a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations and suggested that the Chairman of the Ad Hoc Committee could form a group of Friends of the Chairman to submit concrete proposals for the format of the conference and a document to serve as a basis for discussion. Cameroon also favoured the idea of establishing a more representative and operational structure in the form of an office of high commissioner to combat terrorism.

30. *Mr. Dhakal (Nepal), Vice-Chairman, took the Chair.*

31. **Mr. Lwin** (Myanmar) said his delegation believed that terrorism was one of the most important security issues in the twenty-first century and affected economic growth as well as stability. Innocent people all over the world, including in his own country, had been victimized. No country was immune, and the need for international cooperation had never been more urgent. Terrorism was a global phenomenon that called for a joint organized response of the international community under the leadership of the United Nations. Any measures taken must be in keeping with the Charter of the United Nations and respect basic human rights and fundamental freedoms. With regard to the draft comprehensive convention on international terrorism, Myanmar urged all parties to show maximum flexibility to reconcile the divergent positions on article 18 and article 2 bis.

32. Myanmar had already signed or acceded to 11 of the 12 main international legal instruments related to terrorism and was studying the remaining convention. In addition, it had acceded in 2004 to the United Nations Convention against Transnational Organized Crime and the Protocols thereto and had instituted rules for the control of money-laundering, an important aspect of terrorist financing. Myanmar had bilateral cooperation arrangements with its five neighbours on all issues of border security and mutual assistance in criminal matters, including terrorism.

33. **Ms. Al-Ghanem** (Kuwait) said that her delegation had taken note of the Secretary-General's report entitled "Measures to eliminate international terrorism" (A/59/210), which, inter alia, described the steps Kuwait had taken to combat terrorism, as detailed in her Government's third report to the Counter-Terrorism Committee.

34. It was essential to formulate a clear definition of terrorism so that the latter could not be confused with efforts to realize the right of peoples to self-determination as set forth in the Charter of the United Nations. In that connection, her delegation commended Saudi Arabia for offering to host an international conference on combating terrorism in February 2005.

35. Kuwait had promulgated a number of laws and established several committees concerned with terrorism, the most recent being the Committee to Combat Money-Laundering and the Financing of Terrorism set up to Ministerial Decree 11/2004. Kuwait had also frozen the assets of individuals and entities listed as being connected with Al-Qaida and the Taliban. In that connection, her delegation wished to emphasize the importance of ensuring that the names of such listed individuals and entities were given accurately, in order to prevent them being confused with other individuals or entities having similar names but no connection with terrorism, whose assets might otherwise be mistakenly frozen.

36. The member States of the Gulf Cooperation Council (GCC) had recently signed the GCC Convention on Combating Terrorism, which had been submitted to the Kuwaiti Parliament for discussion, together with the Arab Convention on the Suppression of Terrorism, the Convention of the Organization of the Islamic Conference on Combating International Terrorism and the International Convention for the Suppression of the Financing of Terrorism. Furthermore, Kuwait was a party to 11 of the 12 international conventions on combating international terrorism.

37. **Ms. Asmady** (Indonesia) said that her delegation wished to associate itself with the statement made by Viet Nam on behalf of the Association of Southeast Asian Nations and the statement of Turkey on behalf of the Organization of the Islamic Conference. Terrorism

constituted a serious threat to the peace and security of all nations and peoples and had both a national and an international dimension. The advent of globalization had enabled terrorist groups to build networks and find access to financing across State frontiers. Combating terrorism therefore called for concerted efforts on a global scale, with the United Nations at the centre. However, those efforts must be based on the Charter of the United Nations and must be consistent with international law and respect for human rights. Moreover, the international community must be aware of the need to combat not only the symptoms of terrorism but also its root causes, such as injustice and intolerance. It must also avoid the temptation to identify terrorism with any particular religion, race, nationality or ethnic group.

38. Through international cooperation, Indonesia had strengthened its national legal framework and enhanced its national capacity to address the threat of terrorism. Indonesia and Australia had co-chaired the regional ministerial meeting on counter-terrorism held in Bali in February 2004, which had recommended specific steps States in the region could take against terrorism. At the prevention stage, information-sharing and enforcement cooperation were the most important elements in combating transnational crime, and that applied to terrorism as well. As an outgrowth of the ministerial meeting, the Jakarta Centre for Law Enforcement Cooperation had been inaugurated in July 2004 to enhance the capacity of law enforcement agencies in the region to combat transnational crime, with a special focus on terrorism.

39. As a country that had suffered terrorist attacks, Indonesia was pleased to note that most of the articles of the draft anti-terrorist conventions under discussion had been agreed upon, with the exception of articles 2 bis and 18 of the draft comprehensive convention on international terrorism and article 4 of the draft international convention for the suppression of acts of nuclear terrorism. Although there were still divergent views on the definition of terrorism, the scope of application of the conventions and their relationship to other terrorism conventions, Indonesia believed that progress was being made and that consensus was possible. It supported the continuing work of the Ad Hoc Committee on the draft comprehensive convention, which reflected the enduring commitment of all States to the idea of a holistic global instrument capable of enhancing the efforts of States to halt the advance of terrorism. Her delegation also favoured the convening of a high-level conference under the auspices of the United Nations to reconcile the divergent views on the remaining articles of the draft conventions.

40. **Mr. Al-Ketbe** (United Arab Emirates) said that, although terrorism was a long-standing phenomenon, it had recently become one of the greatest challenges to international security, stability and development owing to globalization and the more sophisticated techniques employed by terrorists. It would appear to be an outgrowth of extremism, hatred or revenge and was not associated with any given region, culture, religion or nationality. There was a need to promote the implementation of the existing international conventions and also to re-evaluate the plans currently in place in order to improve transparency and objectivity in the policies, mechanisms and programmes for fighting terrorism, so as to eliminate double standards and ensure respect for human dignity and fundamental human and civil rights, without prejudice to particular cultures or creeds.

41. His delegation welcomed the offer of Saudi Arabia to host a conference in February 2005 for the purpose of sharing experiences in fighting terrorism. It also urged the convening of an international conference under the auspices of the United Nations to arrive at a clear definition of terrorism, strengthen existing counter-terrorism instruments and ensure their non-selective implementation. Terrorism must be distinguished from the legitimate struggle of peoples under foreign occupation for self-determination.

42. The United Arab Emirates had a long-standing, principled stance towards terrorism, which it considered to be one of the most dangerous crimes against humanity and wholly in contradiction to the teachings of Islam and other religions, human rights norms and the principles of sovereignty of States and their territorial integrity. The United Arab Emirates strongly condemned all acts of terrorism, including the kidnapping and killing of hostages and the recent attacks in Egypt. To combat terrorism, the United Arab Emirates had taken steps to implement the relevant Security Council resolutions, most recently by enacting a law criminalizing terrorist acts. Procedures had been put in place to tighten controls over accounts suspected of being used for terrorist financing. Serious efforts had been m de to develop the capacity of the Counter-Terrorism Unit of the Special Security Forces to

improve its control over customs and borders. New laws had been enacted prohibiting affiliation with terrorist groups and the use of the national territory, including airspace and territorial waters, for their activities. Similarly, laws had been enacted criminalizing money-laundering, gun running, drug smuggling, mercenary activities and the illicit exploitation of natural resources. The United Arab Emirates had formed a national counter-terrorism committee to report to the relevant Security Council committees and to discuss enhanced cooperation, particularly in training judicial staff. It had acceded to a number of international conventions relating to terrorism as well as the Arab Convention on the Suppression of Terrorism, and it was cooperating with neighbouring countries and international and regional organizations with regard to the exchange of information.

43. The United Arab Emirates was deeply concerned about the systematic State terrorism conducted by the Government of Israel against the Palestinian people on the pretext of fighting terrorism. It regretted that the members of the Security Council were deluded by Israel's false allegations, which prevented the Council from discharging its primary responsibility in resolving the question of Palestine. The United Nations had a responsibility to take effective and immediate measures to stop Israeli terrorism against the countries of the region and to ensure its withdrawal from the occupied Arab territories. If Israel had complied with the relevant resolutions, a just, comprehensive and lasting settlement of the Middle East question could have been reached long ago.

44. **Mr. Playle** (Australia) observed that the need for Member States to consider further measures to eliminate international terrorism was all too pressing. The recent bombing of the Australian embassy in Jakarta underscored the threat from terrorist groups in the Asia-Pacific region, and his Government appreciated the continuing cooperation of the Government of Indonesia in counter-terrorism efforts.

45. Despite some success in bringing to justice the perpetrators of terrorist atrocities, the challenge remained daunting. States must be as determined to combat terrorism as the terrorists were to find new ways to finance and commit their heinous acts. The General Assembly must continue to play a key role, and a comprehensive convention on international terrorism would give further authority and impetus to global counter-terrorism efforts. Australia also strongly supported efforts to finalize the draft convention for the suppression of acts of nuclear terrorism.

46. Much of the focus of counter-terrorism activity must take place at the local level. Accordingly Australia had launched a number of initiatives in the past year, including a regional ministerial counter-terrorism meeting in Bali, Indonesia, where it had acted as co-chair. The conference had established a working group designed to improve the regional legal framework to combat terrorism, chaired by Australia, and a working group of law enforcement practitioners, chaired by Indonesia.

47. Australia had committed substantial resources to the Jakarta Centre for Law Enforcement Cooperation, opened in July by the President of the Republic of Indonesia, and would host an inter-faith dialogue with Indonesia in December, to encourage the values of religious and cultural tolerance.

48. **Mr. Frank** (Switzerland) said that Switzerland condemned all forms of terrorism. Terrorist groups had neither moral nor religious scruples, and those responsible for terrorist acts must be either prosecuted and judged or extradited.

49. Switzerland was convinced that the comprehensive convention on international terrorism, based on a clear definition of terrorist acts as defined in article 2 of the draft, would be an appropriate complement to the existing 12 international conventions. With regard to article 18, Switzerland supported the compromise formulated in the Coordinator's draft. It was important to stress that paragraph 4 of that article, in particular, should guarantee that the exclusion of certain acts from the scope of the convention would not lead to impunity in cases where such acts were otherwise illegal. Switzerland favoured the continuation of negotiations leading to the earliest possible adoption by consensus of a text.

50. The international convention for the suppression of acts of nuclear terrorism would play a crucial role in the suppression of one of the potentially most lethal forms of terrorism, and Switzerland regretted the lack of progress on outstanding issues. Political differences should not take precedence over the prevention and suppression of nuclear terrorism, and Switzerland welcomed all efforts to resolve the matter rapidly.

51. His delegation noted the adoption by the Security Council of resolution 1566 (2004) and welcomed the

Council's efforts in that regard. However, when taking long-term legislative measures that affected the entire international community, all States must have an opportunity to participate in the drafting of such measures. All Member States should therefore be involved from the outset in the working group to be established pursuant to that resolution.

52. Furthermore, resolution 1566 (2004) contained formulations of a legislative nature that did not correspond to definitions used in the draft comprehensive convention on international terrorism or in existing counter-terrorism conventions. The General Assembly must rapidly reach a consensus on the draft comprehensive convention so as to avoid future overlaps between the work of the Assembly and the Security Council. The prerogatives of the Assembly as a legislative body would thus be reinforced, and an objective definition of terrorism would assist the Council in its drafting of counter-terrorism resolutions.

53. **Mr. Denisov** (Russian Federation) said that the escalation of international terrorism provided alarming confirmation that the international community was still mired in the process of working out measures offering an adequate response to terrorist threats. In that context, a collective effort was required to consolidate the legal bases for security measures and to heighten the effectiveness of international cooperation in the field of counter-terrorism. The United Nations, especially the Counter-Terrorism Committee, played a central coordinating role in that respect. The launching of the Counter-Terrorism Committee Executive Directorate would increase the practical capabilities of that Committee, but regional mechanisms likewise constituted a vital component of the global response to terrorism and for that reason Russia actively collaborated with three of them.

54. Despite all that the Sixth Committee had contributed towards the improvement of anti-terrorist regimes, the cruel nature and growing threat of terrorism called for new solutions based on a clear understanding of priorities dictated by the demands of the current phase of the struggle against terrorism. The two draft conventions under consideration would substantially strengthen the legal basis for cooperation, so the lack of real progress towards their adoption was a matter for concern. The seriousness of the situation had been highlighted in Security Council resolution 1566 (2004). The latter was an important signal which must be heeded.

55. Discussion of the draft convention for the suppression of acts of nuclear terrorism had demonstrated firstly that virtually all delegations agreed on the need for its prompt adoption, since the measures it contained would effectively stop terrorists gaining access to nuclear material, and secondly, that the majority of Member States supported the consolidated text presented by the Ad Hoc Committee, although some still had some reservations about article 4. His Government felt that that article, as it stood, showed a commitment to a consensual approach and rested on international legal norms which had already been embodied in two previous conventions. It should therefore be accepted, since the question of extending counter-terrorist treaties to the action of armed forces could be resolved in deliberations on the draft comprehensive convention on international terrorism. Work on the Indian draft should therefore be continued as a matter of priority. Moreover, at a time when terrorists were trying to acquire nuclear weapons and material, the adoption of the draft international convention for the suppression of acts of nuclear terrorism at the current session would substantially reinforce the international legal bases of global counter-terrorist measures; hence the transmission without further delay of the draft convention from the Ad Hoc Committee to the Sixth Committee would be a major step forward. It was a unique treaty which, for the first time, targeted the international community's efforts aimed at denying terrorists access to weapons of mass destruction. The opportunity to adopt such an important international legal document should not therefore be lost.

56. **Mr. Mukongo Ngay** (Democratic Republic of the Congo) emphasized his delegation's strong condemnation of all forms of terrorism, a scourge that had no link to any culture or religion.

57. In order to comply with Security Council resolution 1373 (2001) the Democratic Republic of the Congo had set itself short-term goals in three main areas: ratification and/or implementation of the international conventions; revision of domestic legislation; and cooperation in the fight against terrorism. It was proceeding with considerable success in the process of ratifying the relevant United Nations conventions and protocols, which needed only action in the legislature and final approval by the head of State. On the domestic front his Government had, inter alia, taken steps to establish the jurisdiction of its courts in

terrorism matters and, in July 2004, had enacted a law on money-laundering and terrorist financing. The law defined terrorism clearly and established severe penalties. Another recently enacted law defined and penalized terrorism, genocide, crimes against humanity and war crimes. Lastly, with regard to cooperation, it had submitted the reports required pursuant to resolution 1373 (2001) in a timely manner. In the light of such efforts and to further them, his Government now sought the assistance offered by the Counter-Terrorism Committee, including technical and financial assistance.

58. His delegation encouraged the members of the Sixth Committee to continue their work on the two draft conventions and to ensure that the convening of a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism remained on the General Assembly's agenda. His delegation stressed that the comprehensive convention on international terrorism should make a clear distinction between terrorism and the struggle of peoples under foreign occupation. Furthermore, the acts of the armed forces of a State must be carried out in accordance with the Charter of the United Nations and international humanitarian law. There was no practical need for article 2 bis, as any conflict between a sectoral anti-terrorism convention and the comprehensive one was already resolved by existing provisions of international law. The convention for the suppression of acts of nuclear terrorism was an important complement to existing counter-terrorist conventions, and his delegation urged all delegations rapidly to overcome their differences and complete their work on the question.

59. **Ms. Ahmed** (Bangladesh) said that Bangladesh condemned all forms of terrorism. It had unreservedly supported the adoption by the General Assembly in 1997 and 1999, respectively, of the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism. It was a party to the SAARC Regional Convention on Suppression of Terrorism, and to the Additional Protocol thereto. The Parliament of Bangladesh had passed comprehensive legislation to combat money-laundering and had amended the Extradition Act of 1974 to include terrorist crimes in the schedule of offences.

60. Bangladesh strongly supported the early completion of a comprehensive convention on international terrorism and the convening of an international conference to define the concept of terrorism. Terrorism must be distinguished from the legitimate aspirations and struggles of peoples for national liberation; the concept of the inalienable right of peoples to self-determination was embodied in the Charter of the United Nations.

61. Bangladesh condemned the religious profiling of terrorism and urged Member States to promote cross-cultural understanding. It believed that military response and instant retribution alone could not eliminate terrorism. The root causes of terrorism, including poverty, exploitation and inequality, must be addressed globally for the fight against terrorism to be effective.

62. Her Government hoped that the draft convention for the suppression of acts of nuclear terrorism would soon be adopted by consensus. As a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty, Bangladesh was committed to general and complete disarmament and welcomed all existing nuclear-weapon-free zones. It had actively supported the adoption of General Assembly resolution 58/48, on measures to prevent terrorists from acquiring weapons of mass destruction, and believed in that connection that the most effective measure was the total elimination of such weapons.

The meeting rose at 1.05 p.m.